### Department of Community Planning and Economic Development – Planning Division

Appeal of the Decision of the Zoning Administrator BZZ–5588

Date: June 28, 2012

**Applicant:** Cynthia Lee, on behalf of CommonBond Communities

Address(es) of Property: 1920–2022 West Broadway Avenue

**Project Name:** Appeal of the determination of the Zoning Administrator

Contact Person and Phone: Cynthia Lee, (651) 290-6245

**Planning Staff and Phone:** Jacob Steen, (612) 673-2264/Steve Poor (612) 673-5837

**Date Application Deemed Complete:** May 21, 2012

End of 60-Day Decision Period: July 19, 2012

Ward: 5 Neighborhood Organization: Jordan Area Community Council, adjacent to

Northside Residents Redevelopment Council

Existing Zoning: R5 Multiple Family District

**Zoning Plate Number: 17** 

**Legal Description:** Not applicable for this application

**Proposed Use:** Supportive Housing

**Appeal of the decision of the Zoning Administrator:** Application by Cynthia Lee, on behalf of CommonBond Communities, for an appeal of the Zoning Administrator's determination that the proposed development (West Broadway Curve) project at 1920-2022 West Broadway Avenue is classified as a supportive housing use.

#### 525.170. Appeals of decisions of the zoning administrator.

All findings and decisions of the zoning administrator, director of regulatory services, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the

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applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180

Background and Analysis: In January 2012, the appellant submitted a request for housing revenue bonds to the Department of Community Planning and Economic Development (CPED) – Housing Division. The bond application included a description of the project, which comprised of fifty mixed-income rental units and an Advantage Service Center to provide on-site resident services. The application and the project description were forwarded to CPED Planning Division for review and comments in February 2012, at which time the project was identified as supportive housing under section 520.160 of the Minneapolis Code of Ordinances (definitions). Supportive housing uses are subject to a quarter-mile spacing requirement from all other supportive housing uses, community correctional facilities, community residential facilities, inebriate housing, motels, and overnight shelters. The location of two community residential facilities and a supportive housing use within a quarter mile of the site precludes the proposed development in this location. A variance of the spacing requirement is not authorized by the zoning ordinance and the residents would not qualify for reasonable accommodation under the Federal Fair Housing Act.

**Supportive Housing Determination:** The Zoning Administrator has determined that the proposed development is supportive housing. This determination is based on the description of services included in the appellant's bond application and additional correspondence between the appellant and CPED staff.

The bond application states that the proposed project will include fifty units of mixed-income housing with an "Advantage Service Center" on the first floor. The on-site services are intended to provide families with "a stable foundation from which they can pursue the resources to move to market-rate housing ownership; children can succeed in school; and senior citizens and people with disabilities and other barriers to self-sufficiency can maintain their independence."

Core programs of the Advantage Service Center include individual services such as "counseling for problem-solving and social and mental health support," as well as resources "available onsite to assist all residents in stabilizing their housing, accessing community resources, and advancing toward self-sufficiency." Career programs include a professional career development program for working age residents that helps them to develop work-readiness skills, [and] obtain and maintain employment."

Supportive housing is defined as follows:

**520.160 Supportive housing.** A facility that provides housing for twenty-four (24) hours per day and *programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing.* It does not include:

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- (1) Senior housing with services designed specifically to serve the needs associated with the aging of the residents.
- (2) Inebriate housing.
- (3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- (4) Any other county, state or federal community correctional facility.
- (5) Fraternities, sororities or other student housing.
- (6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- (7) The use of one (1) dwelling unit on one (1) zoning lot which meets the occupancy requirements of the zoning district in which it is located.

Minneapolis Code of Ordinances section 520.160 (emphasis added).

**Appeal**: The appellant's statement of appeal emphasizes three points: 1) the proposed development is distinguishable from an existing supportive housing project called Alliance Housing; 2) the services available at West Broadway Curve are not focused on daily living skills; and 3) the proposed project is permanent housing.

The Zoning Administrator's determinations are informed by past land use approvals and existing developments. However, because the proposed development is distinguishable from another approved supportive housing project does not mean that West Broadway Curve is not a supportive housing use. Supportive housing is a use that permits flexibility in the delivery of programs or services for on-site residents. Many of the supportive housing developments in the City of Minneapolis can be distinguished by the services and populations served. There is no single "model" for supportive housing.

The appellant asserts that because the services provided on-site do not assist residents with tasks such as feeding, bathing, and grooming, that the use is not supportive housing. Even if services such as "counseling for problem-solving and social and mental health support" were not intended to improve daily living skills, providing these services is not a requirement of supportive housing, but one of many representative programs that are offered in supportive housing projects.

The definition of supportive housing requires that the facility provide housing for twenty-four hours per day. This requirement provides flexibility to supportive housing models by ensuring is a minimum duration that precludes uses such as a homeless shelter. At the same time, the requirement allows a shorter term transitional residential setting while residents work towards permanent housing. The definition indicates that "obtaining permanent housing" is just one of several potential goals of the on-site "programs or services" provided. The fact that this project is proposed to be permanent housing, therefore, does not exclude it from the definitional ambit.

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### **Findings:**

- 1. The proposed development at 1920–2022 West Broadway Avenue (West Broadway Curve) will provide housing for twenty-four hours per day.
- 2. The on-site programs and services proposed to be offered through the Advantage Service Center as part of the development at 1920–2022 West Broadway Avenue (West Broadway Curve) are designed to assist residents with improving daily living skills, securing employment, or obtaining permanent housing.
- 3. The proposed development project at 1920–2022 West Broadway Avenue (West Broadway Curve) is a supportive housing use as defined by section 520.160 of the Minneapolis Code of Ordinances.

### RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the appeal of the decision of the zoning administrator:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and <u>deny</u> the appeal of the Zoning Administrator's determination that the proposed development project at 1920-2022 West Broadway Avenue (West Broadway Curve) is a supportive housing use.

#### **Attachments:**

- 1) Statement of reason for the appeal submitted by the applicant
- 2) Determination of the Zoning Administrator (May 11, 2012)
- 3) Zoning map
- 4) Quarter-mile spacing map
- 5) West Broadway Curve 2012 bond application excerpts
- 6) Additional Correspondence